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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,347	02/05/1999	CHIYO AKAMATSU	520.36900X00	4824
24956	7590	12/08/2006	EXAMINER	
MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.			HSU, ALPUS	
1800 DIAGONAL ROAD				
SUITE 370			ART UNIT	
ALEXANDRIA, VA 22314			2616	
			PAPER NUMBER	

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/245,347

Applicant(s)

AKAMATSU ET AL.

Examiner

Alpus H. Hsu

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2616

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 33-49 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The claimed subject matters of having “a controller for controlling an output of said output circuit, so as to **manage a number** of said other apparatuses, through which the program can be viewed or recorded simultaneously, wherein said controller **determines the number** of said other apparatuses, wherein said controller **determines** whether said other apparatuses are **regularly certified apparatuses** which can receive said program, and wherein said controller **restricts** said other apparatuses, to which said output circuit can output said program, to the regularly certified apparatuses, and **restricts** said other apparatuses which can simultaneously view or record the program being output to be **less than or equal** to the **number of said other apparatus through which the program can be simultaneously viewed or simultaneously recorded**” as in claims 33 and 39, and the steps of “**managing a number** of said other apparatuses, through which said data received from the source can be simultaneously viewed or simultaneously recorded, by **determining the number** of said other apparatuses, **determining** whether said other apparatus are **regularly certified apparatuses** which can receive said data, and **restricting** said other apparatuses, to which the data is to output, to the regularly certified apparatuses; and **restricting** said regularly certified apparatuses which can simultaneously view

Art Unit: 2616

or record the data being output to be **less than or equal to the number of said other apparatus through which the program can be simultaneously viewed or simultaneously recorded**" as in claim 44, were not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

To be more specific, according to the specification disclosure, there are two numbers to be determined, one for the number of viewing contracts indicating a number of the output apparatuses on which the broadcast program data can be seen or viewed at the same time by the user through the receiving contract channel, and the other for the recording contract number indicating the number of the recording apparatuses on which the broadcast program data can be outputted to be recorded at the same time through the receiving contract channel, which were not recited in the claims. Furthermore, there are controller portion and certify processing portion in each of the digital broadcast receiver, digital TV, digital VTR, and DVD. According to the disclosure, it is the certify processing portion not the controller portion for determining whether the apparatus are regularly certified apparatuses which can receive said program/data. It is also not fully disclosed as to whether the determination of the number of other apparatus capable of viewing or recording simultaneously and the determination of whether other apparatus are regularly certified apparatuses which can receive said data were carried out independently or in sequence (i.e. determine the number of other apparatus capable of viewing or recording simultaneously first, then determine whether these apparatus capable of viewing or recording simultaneously are regularly certified apparatuses which can receive said program/data). In addition, it is not fully disclosed as to how the controller restricting said regularly certified

Art Unit: 2616

apparatuses which can simultaneously view or record the data being output to be less than or equal to the number of said other apparatus through which the program can be simultaneously viewed or simultaneously recorded as claimed.

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Von Kohorn, Ivanyi, and Nonomura et al. are additionally cited to show the feature of techniques for selectively inhibiting TV programs recording and/or reproducing which are not authorized for viewing similar to the claimed invention.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

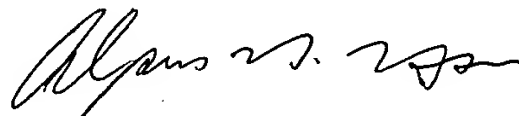
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

Art Unit: 2616

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
Art Unit 2616